

SENATE BILL NO. 354

INTRODUCED BY D. LEWIS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING AIRPORT AUTHORITIES AND DISPOSAL OF AIRPORT PROPERTY; ALLOWING AN AUTHORITY TO ENTER INTO CONTRACTS, LEASES, AND OTHER ARRANGEMENTS FOR THE SUPPORT OF AIRPORT OR NAVIGATION FACILITY OPERATIONS; REMOVING REFERENCE TO DISPOSAL OF COUNTY PROPERTY IN AIRPORT PROPERTY DISPOSAL PROVISIONS; AMENDING SECTIONS 67-11-211 AND 67-11-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 67-11-211, MCA, is amended to read:

"67-11-211. Granting of operation and use privileges. (1) In connection with or for the support of the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed 40 years with any persons:

(a) granting the privilege of using or improving the airport or air navigation facility or any portion or facility of or space in the airport or air navigation facility for commercial purposes;

(b) conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility; and

(c) making available services to be furnished by the authority or its agents at the airport or air navigation facility.

(2) In each case, the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, ~~which~~ The charges, rentals, or fees must be reasonable and uniform for the same class of privilege or service; ~~provided that the public may not be deprived and may not result in the public being deprived~~ of its rightful, equal, and uniform use of the airport, air navigation facility, or portion or facility of the airport or air navigation facility.

(3) Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by 67-11-305, an authority may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed 40 years the privilege of operating, as agent of the authority or

1 otherwise, any airport owned or controlled by the authority, ~~provided that a~~ A person may not be granted any
2 authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other
3 arrangements in connection with the operation of the airport which the authority might not have undertaken under
4 subsections (1) and (2)."

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6 **Section 2.** Section 67-11-232, MCA, is amended to read:

7 **"67-11-232. Airport property -- disposal.** Except as may be limited by the terms and conditions of any
8 grant, loan, or agreement authorized by 67-11-305, an authority may, by sale, lease, or otherwise, dispose of any
9 airport, air navigation facility, or other property or portion of or interest in an airport or facility acquired pursuant
10 to this chapter. The disposal by sale, lease, or otherwise must be in accordance with the ~~adopted rules of~~ adopted
11 by the authority, which rules must be and approved by the local governing body, ~~for the disposal of county~~
12 ~~property,~~ except that in the case of disposal to another authority, a municipality, or an agency of the state or
13 federal government for use and operation as a public airport, the sale, lease, or other disposal may be effected
14 in a manner and upon terms as the commissioners of the authority consider to be in the best interest of civil
15 aviation."

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17 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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